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BEFORE THE ARIZONA CORPORATION

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CORP COMMISSION  
DOCKET CONTROL

COMMISSIONERS

GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

In the matter of:

ANDREW C. MENICHINO, a married individual;

INNOVATIVE CONSTRUCTION, INC., a Pennsylvania Corporation; and

ATLANTIC LEXUS, LTD., a Turks and Caicos Corporation;

Respondents.

DOCKET NO. S-20839A-12-0083

Arizona Corporation Commission  
DOCKETED

MAY 07 2012

DOCKETED BY *JM*  
**SECOND**  
**PROCEDURAL ORDER**

(Continues Pre-hearing Conference)

**BY THE COMMISSION:**

On March 5, 2012, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Andrew C. Menichino, Innovative Construction, Inc., a Pennsylvania Corporation ("ICI"), and Atlantic Lexus, Ltd., a Turks and Caicos Corporation ("ALL"), (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of notes or investment contracts.

The Respondents were duly served with copies of the Notice.

On April 6, 2012, Respondent Andrew C. Menichino filed a request for hearing in this matter.

On April 11, 2012, by Procedural Order, a pre-hearing conference was scheduled on May 16, 2012.

On May 4, 2012, Respondent Menichino filed a request to continue the pre-hearing conference for approximately 30 to 45 days to secure counsel to represent him in the proceeding. The Division has no objections to this request.

Accordingly, Mr. Menichino's request should be granted.

IT IS THEREFORE ORDERED the pre-hearing conference scheduled on May 16, 2012,

1 shall be continued to June 21, 2012, at 10:00 a.m., at the Commission's offices, 1200 West  
2 Washington Street, **Hearing Room No. 1**, Phoenix, Arizona.

3 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
4 Communications) is in effect and shall remain in effect until the Commission's Decision in this  
5 matter is final and non-appealable.

6 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
7 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission  
8 *pro hac vice*.

9 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance  
10 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
11 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances  
12 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is  
13 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
14 Administrative Law Judge or the Commission.

15 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,  
16 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
17 ruling at hearing.

18 DATED this 7<sup>th</sup> day of May, 2012.



MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

19  
20  
21  
22  
23 Copies of the foregoing mailed/delivered  
this 7<sup>th</sup> day of May, 2012 to:

24 Andrew C. Menichino  
25 3 Timberwood Drive  
Greenville, PA 16125

ARIZONA REPORTING SERVICE, INC.  
2200 North Central Avenue, Suite 502  
Phoenix, AZ 85004-1481

26 Matt Neubert, Director  
27 Securities Division  
ARIZONA CORPORATION COMMISSION  
1300 West Washington Street  
28 Phoenix, AZ 85007

By: 

Debra Broyles  
Secretary to Marc E. Stern